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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARISA BAVAND,

11 Plaintiff,

12 v.

13 ONEWEST BANK FSB, et al.,

14 Defendants.

CASE NO. C12-0254JLR

ORDER CLARIFYING REMAND
TO STATE COURT

15 This matter was brought to the attention of the court by Plaintiff Marisa Bavand's
16 motion to modify a temporary restraining order. (Dkt. # 67.) Having considered the
17 submissions of the parties and the balance of the record, the court STRIKES Ms.
18 Bavand's motion and REMANDS the case to Snohomish County Superior Court.

19 On December 22, 2011, Ms. Bavand filed this action in Snohomish County
20 Superior Court seeking to prevent the nonjudicial foreclosure sale of her property.
21 (Compl. (Dkt. # 1-1).) She brought five claims: (1) declaratory judgment, (2) wrongful
22 foreclosure, (3) violation of the Washington Consumer Protection Act ("CPA"), (4)

1 violation of the Fair Debt Collection Practices Act, and (5) quiet title. (*Id.*) Defendants
2 OneWest Bank FSB (“OneWest”), Mortgage Electronic Registration Systems, Inc.
3 (“MERS”), and Northwest Trustee Services, Inc. (“Northwest”) removed the case to
4 federal court on February 14, 2012. (Not. of Rem. (Dkt. # 1).) On March 25, 2013, the
5 federal court granted Defendants’ motion for summary judgment against four of Ms.
6 Bavand’s five claims. (3/25/13 Order (Dkt. # 62).)

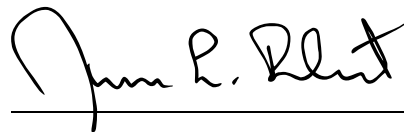
7 In its summary judgment order, the court indicated that it intended to remand Ms.
8 Bavand’s remaining state law CPA claim to the Snohomish County Superior Court for
9 resolution. (*See id.* at 7-9.) However, the order omitted the directions to the clerk of
10 court necessary to finalize the remand. (*See generally id.*) As such, when Ms. Bavand
11 later attempted to file a motion in the Snohomish County Superior Court, the Superior
12 Court declined to hear the motion. (*See* Dkt. # 70 Ex. 1 (April 9, 2013 state court filing
13 returned to Ms. Bavand’s counsel and stamped “case remanded to US District Court”).)
14 In order to remedy this oversight, the court issues this order clarifying its March 25,
15 2013, order remanding the case to Snohomish County Superior Court.

16 The court is in possession of the parties’ submissions regarding Ms. Bavand’s
17 motion to modify a temporary restraining order (“TRO”). (*See* Dkt. ## 67, 69, 70.) The
18 TRO in question was entered by the Snohomish County Superior Court before the case
19 was removed to federal court. (*See* Dkt. # 67 Ex. 1.) In light of the imminent remand to
20 state court, the court strikes the parties’ submissions regarding the TRO. Going forward,
21 the appropriate forum for the parties to raise this issue is the Snohomish County Superior
22 Court.

1 For the foregoing reasons, the court STRIKES the parties' submissions regarding
2 the temporary restraining order (Dkt. ## 67, 69, 70). The court also ORDERS that:

- 3 1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this
4 case are REMANDED to the Superior Court for Snohomish County in the
5 State of Washington,
- 6 2. The Clerk of the Court shall send copies of this order to all counsel of record
7 for all parties,
- 8 3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified
9 copy of the order of remand to the Clerk of the Court for the Superior Court
10 for Snohomish County, Washington,
- 11 4. The Clerk of the Court shall also transmit the record herein to the Clerk of the
12 Court for the Superior Court for Snohomish County, Washington,

13 Dated this 12th day of November, 2013.

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16 JAMES L. ROBART
17 United States District Judge
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